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*Attorneys for Defendants Edward Christopher
Sheeran, Atlantic Recording Corporation and
Sony/ATV Music Publishing LLC*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHRYN TOWNSEND GRIFFIN, HELEN
MCDONALD, and THE ESTATE OF CHERRIGALE
TOWNSEND,

Plaintiffs,

-against-

EDWARD CHRISTOPHER SHEERAN, p/k/a ED
SHEERAN, ATLANTIC RECORDING
CORPORATION, d/b/a ATLANTIC RECORDS,
SONY/ATV MUSIC PUBLISHING, LLC, and
WARNER MUSIC GROUP CORPORATION, d/b/a
ASYLUM RECORDS

Defendants.

ECF CASE

17-cv-5221 (LLS)

**NOTICE OF MOTION –
DEFENDANTS’ FIRST
MOTION *IN LIMINE***

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Law, the Declaration of Ilene S. Farkas, sworn to May 21, 2019 and the Exhibits annexed thereto, and all prior proceedings had herein, Defendants Edward Christopher Sheeran (“Sheeran”), Atlantic Recording Corporation (“Atlantic”) and Sony/ATV Music Publishing LLC (“SATV,” together with Atlantic and Sheeran, the “Defendants” and each a “Defendant”) will move this Court, before the Honorable Louis L. Stanton at the Daniel Patrick Moynihan United States Courthouse, Courtroom 21C, 500 Pearl Street, New York, New York, 10007, on a date and time to be determined by the Court, for an Order: (i) limiting

Plaintiffs to comparing *Thinking Out Loud* with the musical composition *Let's Get It On* as reflected in the deposit copy filed with the Copyright Office for that work; (ii) precluding Plaintiffs from eliciting testimony or otherwise adducing evidence that compares *Thinking Out Loud* to elements contained only in a particular recorded version of *Let's Get It On*; (iii) precluding Plaintiffs from offering argument or evidence that elements found only in a recorded interpretation of *Let's Get It On* are “implied” in the sheet music of *Let's Get It On* deposited with the Copyright Office; and (iv) precluding Plaintiffs from playing at trial the recorded version of *Let's Get It On* performed by Marvin Gaye.

The reasons and grounds for this motion are more fully described in the accompanying papers.

Oral argument shall be held on a date and at a time designated by the Court.

Dated: New York, New York
May 21, 2019

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By: /s/ Donald S. Zakarin

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